

Special Board of Adjustment No. 956

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and
New Jersey Transit Rail Operations, Inc.

STATEMENT OF CLAIM:

The discipline of dismissal imposed on Trackman D. L. Cole be rescinded and expunged from the record and he be made whole.

FINDINGS:

On February 24 and 27, 1986, claimant was issued formal Notices of Absenteeism. A warning notice was served upon him on August 27, 1986, when he failed to report for scheduled duty. On December 2, 1986, claimant failed to cover his assignment or to notify his supervisor that he would be absent. Shortly thereafter, on December 15, 1986, he reported to work forty minutes late and presented no adequate explanation for these failures.

After a hearing had been held in the matter, claimant was dismissed for absenting himself without permission. In determining the measure of discipline, it was appropriate for Carrier to consider claimant's record. That record shows that claimant was suspended for 10 days on August 21, 1986 and for 30 days on November 1, 1986 for absenteeism; while these

suspensions were deferred, they were subsequently activated by a later actual suspension.

This record provides no basis for reversing or modifying Carrier's decision to dismiss claimant.

AWARD: Claim denied.

Adopted at Newark, New Jersey, June 23 , 1988.



Harold M. Weston, Chairman



Carrier Member



Employee Member